

REMARKS

Reconsideration of the above-identified application is respectfully requested.

In the Official Action dated October 31, 2003, the Examiner first rejected Claims 1, 4, 6, 7, 9, 14-16, 19-22 and 25-27 under 35 U.S.C. §103(a) as allegedly unpatentable in view of Mital (U.S. Patent No. 5,878,282)(hereinafter "Mital"). The Examiner further rejected Claims 3, 11, 17, 18, 23 and 24 under 35 U.S.C. §103(a) as allegedly unpatentable over Mital in view of Allport (U.S. Patent No. 6,256,019)(hereinafter "Allport"). Furthermore, the Examiner rejected the Claim 10 under 35 U.S.C. §103(a) as being allegedly unpatentable over Mital in view of Banerjee et al. (U.S. Patent No. 6,292,181)(hereinafter "Banerjee").

With respect to the rejection of Claims 1, 4, 6, 7, 9, 14-16, 19-22 and 25-27 under 35 U.S.C. §103(a) as allegedly unpatentable in view of Mital, applicants respectfully disagree.

In traversal, independent Claims 1, 16 and 22 are being amended to set forth that personalized user preferences relating to customized application settings of a user application capable of executing in a first computing device are being transferred to the smart portable pointer device. That is, the user preference data according to the invention that is being transferred to the portable device is used to change the application settings of a like application, executing on a first user device and transferred to the second device having the like executing application to which the user customized settings are to be transferred. For example, such customized user application settings would include, but not limited to, the following: the visual display of icons for functions such as cut and paste, icons for increasing the font size, etc.

Respectfully, Mital is not concerned about transferring user preferences relating to customized application settings of a user application and there is no teaching in Mital to suggest that this. Mital rather, is concerned about transferring data and code between a mobile device and another device; "User preferences" or setting data is not what is being transferred. The Mital passages cited by the Examiner in the rejection of the independent claims, are directed to a manner of transferring executable instructions, or data for existing applications executable on a personal organizers (e.g., palm pilot) or personal digital assistant (PDA)-type devices, for example, scheduling data, phone book data and address data, and the like, etc., which it is respectfully submitted, is not user application settings preference data. It is just application data.

Thus, Mital is directed to another objective, the ability to execute an application on another device, or provide relevant user data for personal organization, e.g., maintaining schedules, "to-do" lists and personal notes and calendar planning (See Mital at Col. 1, lines 30-37). Mital respectfully does not teach the objective of the present invention which is the ability to port user application preference information maintained on a first computer device to the same application executing on a second computing device so that the application executing on the second device is formatted in accordance with the users settings. This enables the streamlining and facility of a user's interaction with a familiar program executing on the second device in that that user's preferences (application preference settings from that user's first device) will be automatically implemented. Mital, on the other hand just transfers data to a second device which are shown by the applications executing on the second device, which is not the intent of the present invention.

Thus, in sum, applicants respectfully disagree with the Examiner that transferring of user preference data in the form of customized user application settings and

letting the application adapt to that is obvious from Mital's patent. The user's preference data portable by the smart mouse device of the present invention to the second computer device is different from the user's application data being transferred in Mital. That is, altering the like user application executing in the second computing device in accordance with said customized application settings as a result of the transfer by the smart mouse device in the present invention requires the second computer device to first determine the application on which the smart mouse is present and then adjust the settings (See Figure 4(a)-(b) of the present application). Customization data in the present invention, is not applied for applications that the user does not mouse over.

On the other hand, Mital describes the transfer of data between, for example, a calendar application on a PC to a calendar application on its portable information device (Mital's PID) device which comprises a keypad and a flat panel display mechanism and processing power for running a same application. This, for example, is stated in Mital's Summary of the Invention, to wit:

...the portable information device stores the executable instructions and/or data received from the computer in its memory. The instructions and new data are then used by the portable information device when it is removed from the computer memory drive...

(Mital at Col. 3, lines 40-43) and further,

The portable information device has its own power supply and is operable to organize tasks, remind the user of important dates, and perform any other function of a personal organizer. While away, the user can enter information using the keypad, or read scheduling information on the flat panel display...

(Mital at Col. 3, lines 50-53). Thus, in Mital, there is a correspondence between application on the PC to the application on its PID device. In the present invention, there is no concept of

the application itself executing on the smart mouse (transfer) device itself to which preference information is associated.

Applicants further submit that the material covered by Mital was most likely already in the Palm Pilot product as far back as 1995. Notwithstanding this, amended Claims 1, 16 and 22 now clearly set forth the transfer of user preferences relating to customized application settings of a user application for storage in the smart pointer device that are subsequently registered with a common application on a visited (second computing) device. This feature is neither taught nor suggested by Mital whether taken alone or in combination with the technologies such as described in Allport (which is directed to secure logging on features for consumer device controllers that incorporates bio-metric identification technologies) or Banerjee (which is directed to a mobile interface device that enables seamless access to a host system to enable user elimination of data inconsistencies due to multiple copies of data over a wireless medium). Having failed to teach or suggest the manner in which user application preference settings are transferred between two devices as set forth in amended Claims 1, 16 and 22, it is respectfully submitted that the rejections of these Claims based on 35 U.S.C. §103(a), and all other claims dependent thereon, be withdrawn. Of these claims, Claims 3 and 4 have additionally been amended to conform according to the amendments to Claim 1 from which they depend.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition

of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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